

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

VANCE DOTSON,)
)
Plaintiff,)
)
v.) Case No. CIV-23-00362-JD
)
CAPITAL MANAGEMENT)
SERVICES, LP,)
)
Defendant.)

ORDER

Before the Court is Plaintiff's Motion to Strike Capital Management Services, LP Affirmative Defenses ("Motion") [Doc. No. 9]. The Motion seeks to strike Defendant's affirmative defenses in its Answer filed on May 30, 2023 [Doc. No. 6].

Without expressing any view on the merits of the Motion, the Court notes that "motions to strike are generally a disfavored, drastic remedy and are rarely granted." *Knighten v. Allstate Ins. Co.*, No. CIV-17-683-D, 2018 WL 718533, at *2 (W.D. Okla. Feb. 5, 2018) (cleaned up). The Court imagines that some, if not all, of the issues raised in the Motion could be resolved either by an amended answer, *see* Federal Rule of Civil Procedure 15(a)(1)(B), or by the parties' conference.

Accordingly, the Court ORDERS Mr. Dotson and Defendant's counsel to confer telephonically in good faith regarding the Motion on or before June 23, 2023. The Court's expectation is that the parties will work to resolve the issues in the Motion without requiring further judicial resources, whether by an amended answer or stipulation or withdrawal of positions in the Motion. Any response brief to the Motion shall include

a certificate of conference indicating the date, time, and length of the conference, who attended the conference, what resolutions were reached between the parties, and what issues remain to be resolved by the Court.

If the issues in the Motion are resolved by agreement at any time, counsel shall immediately notify the Court through a Court filing.

Failure to comply with this Order, the Court's orders, and the Federal and Local Civil Rules of Procedure may result in sanctions. *See, e.g.*, Fed. R. Civ. P. 16(f); 37; 41.

IT IS SO ORDERED this 12th day of June 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE